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## “Listen to What You Say”: Rwanda’s Postgenocide Language Policies

**Lynne Tirrell**

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*Freedom of expression is considered a basic human right, and yet most countries have restrictions on speech they deem harmful. Following the genocide of the Tutsi, Rwanda passed a constitution (2003) and laws against hate speech and other forms of divisionist language (2008, 2013). Understanding how language shaped “recognition harms” that both constitute and fuel genocide also helps account for political decisions to limit “divisionist” discourse. When we speak, we make expressive commitments, which are commitments to the viability and value of ways of speaking. This article explores reasons a society would decide to say, “We don’t talk that way around here,” thus taking control of its own expressive commitments. Understanding the scope of the law in Rwanda promises to help clarify limits to hate speech and other forms of derogatory discourse (including images). Ultimately, the argument is that wherever recognition harms are a significant factor in social and political life, changing permissible expressive commitments is crucial to social and political repair.*

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Words can be like tiny doses of arsenic: they are swallowed unnoticed, appear to have no effect, and then after a little while the toxic reaction sets in after all.

—Victor Klemperer, *The Language of the Third Reich*

Words and images are how people are placed in hierarchies, how social stratification is made to seem inevitable and right, how feelings of inferiority and superiority are engendered, and how indifference to violence against those on the bottom is rationalized and normalized. Social supremacy is made, inside and between people, through making meanings. To unmake it, these meanings and their technologies have to be unmade.

—Catharine MacKinnon, *Only Words*

Then, in April 1994, came the genocide. What could the media have done? The media are not there to fight, but to set things right, to provide accurate information. Instead, there was much propaganda and people received messages of hate. You simply cannot imagine it. . . . I have a daughter. She’s twelve now but she was very small at the time. One day, somebody said, “That one is a snake. They have to kill her.” She wasn’t even two years old. My daughter asked me, “Am I a snake? Am I a snake?” Is that the role of the press? Is it the role of the media to harm people?

—Thomas Kamilindi, “Journalism in a Time of Hate Media”

**I**t is commonly held that hate speech fueled the genocide of the Tutsi in Rwanda. In Rwanda today, concern over derogatory and divisive language has led to measures restricting public speech that can be taken to promote genocide ideology, minimization of genocide, and divisionism. Such “divisionist” speech is broadly political, in the sense that it shapes the political

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climate and influences social norms. Sometimes it is narrowly political, as when the ruling Hutu party in the early 1990s identified its constituency as Hutu only or when Victoire Ingabire, in 2010, representing the United Democratic Forces (FDU) party, spoke at the capital city's genocide memorial urging that the Hutu who are sad about their family killed in the genocide should be remembered at the genocide memorial alongside the hundreds of thousands of Tutsi who are buried there. This is not hate speech, but it is branded as divisive, minimizing the genocide, and punished under Rwandan law.

When a society has been in the grip of harmful ideological practices, and these are embodied within its discursive practices, reconciliation requires changes in what people say to and about each other. Rwanda has been trying to make such changes, through laws, agencies promoting genocide remembrance, countless grassroots reconciliation efforts, civic education through the Institute for Research and Dialogue for Peace, for example, and more. People all across the country know that it is not permissible to call Tutsi '*inyenzi*' (cockroach) or call for their extermination. But the underlying divisions within a society divided by cataclysmic trauma will not be solved by eliminating a few derogatory terms. The Parliament has enacted a new antidivisionism law, which outlines broader prohibitions aimed at changing norms in how people speak and ultimately how they think and behave. Rwanda's postgenocidal linguistic changes should be seen as an explicit effort to foster social unity in response to the severe divisions deepened by anti-Tutsi hate speech spread in the early 1990s and the ensuing violence that wracked the nation.

Typically, free-speech advocates think of speech as arising from the individual heart or mind and overlook that speech is governed by social practices, most of which are quite local in their habitations. Thinking of speech in terms of one-off actions ignores the intensely social nature of language. We must see even these singular speech acts as arising within a pattern of practices, as gaining meaning from contexts and conventions, and so we must look at the conventions, contexts, and practices that the linguistic community sanctions. Doing so is especially important when language and social life no longer flow smoothly. In divided societies, different rules generate different meanings that depend on the speaker's and the hearer's social context, identity and affinity groups, and more. Aiming to overcome divisions requires taking a social practice view of discourse and looking at patterns of what we permit and what we prohibit. It requires taking charge of the range of permissible expressive commitments, our commitments to whole modes of discourse (such as using insect terms to talk about humans). Questions of the legitimacy of speech prohibitions often focus on the individual speaker or hearer and too often overlook the profound importance of the practices that give life to the expressions under review.

Freedom of expression is widely touted as a basic human right, and yet most countries have restrictions on speech they deem harmful. Understanding the power of language to harm or to heal is best begun with an understanding of how language functions and why it matters. The first section briefly addresses these concerns. To understand Rwanda, and by extension to take lessons from their experience, we need an analysis of the *normative* damage wrought by genocide, and the potential of language, as our most ubiquitous social medium, to shape responses to these harms. The second section introduces two important philosophical concepts: *recognition harms* and *expressive commitments*. Understanding recognition harms highlights the many damages of harmful expressions. Focusing on expressive commitments keeps our attention on the social practices that make up language, not the one-off instances, and so helps to make sense of changes to speech policies. This section also makes some brief connections to cases of damaging speech beyond Rwanda.<sup>1</sup> Drawing on these concepts, the third section shows how the

Rwandan constitution and key provisions of the 2013 antidivisionism law address the damages of recognition harms by changing permissible expressive commitments, that is, by prohibiting speech that denies, minimizes, or otherwise fails to recognize the genocide and the experiences of those who suffered it. Finally, to make more concrete the kinds of speech acts that Rwanda's leadership is trying to stop and the kind of discourse being promoted, the fourth section briefly discusses issues facing journalists, with a focus on an official handbook for journalists and writers, setting out some of Rwanda's current rules for how to speak and write about the genocide of the Tutsi. Here, it is helpful to understand the different kinds of expressive commitments made by the suggested locutions compared with those that are critiqued. This handbook, available only inside Rwanda, offers valuable lessons about the role of discursive practices in postgenocidal recovery. In this section we also briefly consider advice from Zimbabwe that dovetails nicely with the Rwandan program. Ultimately, the argument is that where recognition harms are a significant factor in social and political life, changing permissible expressive commitments is crucial to social and political repair.

## **Language Matters**

No society has absolute freedom of speech, and every society has its own norms governing appropriate and inappropriate modes of speaking. Together, our practices guiding how we refer to ourselves and each other wield power to shape our sense of who we are, who we can be, and what is possible between us. A shared language is, as Wittgenstein says, a form of life, which allows it to be, among other things, a mechanism of social stratification, a tool fostering attention or indifference, and sometimes a means for engendering violence.<sup>2</sup> Sometimes our words are, as Victor Klemperer says, small “doses of arsenic,” unnoticed but toxic to their core.<sup>3</sup> In a society that has become rigidly divided by race, religion, ethnicity, or gender, it sometimes becomes necessary to examine our discursive practices—our ways of speaking—to take control of the ideology implicit in those practices to unmake the damaging meaning. Too often, friends and foes of freedom of expression take their sides without an adequate understanding of the mechanisms and power of discursive practices. To be confident in deciding just how free speech should be, we must first understand language in practice.

Expansive freedom of speech is an important part of an open and democratic society, but following war, genocide, and widespread social upheaval, security often calls for limits to free expression. As security improves, expressive freedom should expand, but postconflict societies must ask whether it should expand to the point that hate speech is tolerated. Germany says “no,” along with a dozen other European nations and Canada, Australia, and New Zealand.<sup>4</sup> Rwanda, still rebuilding from genocidal destruction, has come under fire for saying “no,” so it is worth examining their Law No. 84/2013 to see the scope of the prohibitions enacted by the Parliament after lengthy discussions. As Catharine MacKinnon says, “Social supremacy is made . . . through making meanings. To unmake it, these meanings and their technologies have to be unmade.”<sup>5</sup> Arguments about control over expressive freedom often mask grabs for power, so it is important to remember the historical and political context in which prohibitions are enacted or lifted, and the shifting dynamics of power at work.

Taking control of speech can be done to cause harm, as the planners of the 1994 genocide of the Tutsi in Rwanda did by promoting derogatory terms against Tutsi, such as ‘*inzoka*’ (snake) and ‘*inyenzi*’ (cockroach), while promulgating hostile political speech acts designed to get Hutu to pull away from Tutsi so that they could kill them when the call came.<sup>6</sup> Even without legal prohibitions, derogating a group with hate speech is a serious matter, especially when these

speech acts become well integrated into ongoing discriminatory and social distancing practices.<sup>7</sup> Further, the most damaging linguistic practices are not usually the thrown epithets but rather third-party uses that target another, as in, “You and I both know that you can’t trust a *so-and-so*” (fill in the slur here). The FBI reports that the top three bases for hate crimes in the United States are race, sexual orientation, and religion. Since the 9/11 attacks in the United States, anti-Muslim slurs and images in the media have proliferated across the United States and Europe, and anti-Muslim violence has more than quadrupled.<sup>8</sup> Today, the slide between ‘Muslim’ and ‘terrorist’ is all too smooth, despite the evidence that most acts of terrorism in the United States and worldwide are not done by Muslims.<sup>9</sup> Casting the wrongness of these modes of expression as insult or offense misses the key point that these practices constitute ideological, reputational, and, often, material harms. Habits of speech and terms of reference shape social life, licensing attitudes, and behaviors, enforcing social inclusion or exclusion, and sometimes licensing violence.

Discursive changes can also be enacted to foster unity, dignity, and respect. In the United States, across several decades in the late twentieth century, African Americans, feminists, and gay rights activists set new norms of how one should speak about their groups. In 1920 ‘gay’ meant “cheerful,” but through adopting new norms within the subgroup and pushing for these to be adopted by everyone, ‘gay’ became an appropriate description for those who prefer partners of the same sex. Feminists fought against calling a grown woman ‘girl,’ introduced ‘Ms.,’ and were able to define certain kinds of speech acts as sexual harassment under the law. Among African Americans, the twentieth century saw a progression of positive self-chosen labels each chosen to promote greater dignity. In each situation, a derogated group reclaimed or replaced harmful terms, insisting on new labels; self-determination won out.

Legislating changes in permissible speech practices is notoriously difficult. Changes to permissible speech usually occur gradually, driven by changes in other social norms and practices. Language never acts alone, for it gains power from its relation to other social practices and norms, and in turn strengthens and shapes these practices. Sometimes stopping or preventing harms requires directly changing the norms governing speech. These efforts aim to effect changes across a wide spectrum of social actions with a focus on the consequences of speech. Speech acts and modes of representation also may be harmful inherently, constituting wrongs against those targeted by the speech, independent of consequences. Recognizing these intrinsic and extrinsic concerns, postgenocide societies across Europe, especially Germany, enacted laws that prohibit and punish Nazi propaganda and anti-Semitic hate speech, with the intent to quell fascism. In rebuilding after state-sponsored genocide, Rwanda’s Parliament enacted a parallel law, Law No. 84/2013, to fight the divisions that support genocide. Such laws aim to foster greater internal security through lasting social change, thereby stopping injustice before it starts. Social distinctions are inevitable, but intractable social divisions are not.

Discursive violence is violence. Many Rwandans who were there in 1994—survivors and killers alike—are keenly sensitive to the role of discursive practices in breaking down social relations and moral taboos, generating conditions enabling the genocide. Rwandans understand the power of language to shape social reality; as one Rwandan source says, “discourse has always borne within itself an ideology that seeks to convince or persuade or change the world.”<sup>10</sup> Since 1994, Rwanda’s efforts to prevent further violence include shaping a more inclusive public discourse through the formal mechanisms of law, education, and policy guidelines. Through reshaping the discourse about the genocide of the Tutsi and by prohibiting genocidal ideology, Rwandan leaders have been trying to build a stable and more just future. Promoting positive

terms of reference for those who had been disparaged and dehumanized, promoting a shared historical narrative, and fighting genocide-denial is an ideological project, to be sure. It seeks to replace one ideology with another, so one key question is which promotes greater truth and greater inclusion. That is something for Rwandans to decide. Another important question concerns the processes by which these changes are enacted. The linguistic side of this project should be seen as arising from Rwandans' awareness of the power language had in their own history, combined with a vision of a future shaped by more positive discursive norms.

More than a thousand miles from the Land of a Thousand Hills, it is easy for Americans to look at Rwanda's antidivisionism law as a harsh and unjustified set of restrictions on freedom of expression. American free speech law protects political speech, whereas in Rwanda, as in many European nations, political speech that promulgates racial or ethnic division is prohibited. Rwanda's efforts to end divisionism must be understood within their complex and violent recent history, their colonial connections to Germany and Belgium, and their remarkable postgenocide development. Critics of Rwanda's current limits on expressive freedoms tend to present the policies out of context and without any theory of the role of language in shaping a society and its members. These critics tend to focus enforcement issues, charging that the current administration uses the law to silence political opponents.<sup>11</sup> Abuse of a law is not evidence that the law can do no good. The first version of the antidivisionism law (2008) was overly broad and offered more detail on penalties than outlines of offenses, so after discussions, Parliament revised it in 2013.<sup>12</sup> My concern is to understand what good the current law, Law No. 84/2013, is meant to do, or can do. These laws exist to fight the ongoing damage to a society still coping with rigid social divisions that were life threatening for some.

Understanding Rwanda's decisions might teach us something more general about the fraught but important nature of taking control of discursive norms to fight hate speech and derogatory images. Rwanda's struggles are worth careful scrutiny for anyone seeking to understand the power of language in the construction (and reconstruction) of individual and social worlds. Rwanda's situation should be seen as showing the validity of considering prohibitions and their value in particular cases. Whether, in the end, one praises or condemns specific policies should depend on an accurate understanding of language as a social practice and the context and rationale of the policies. This article is a contribution to understanding the background and rationale.

## **Division and Domination: Language for Normative Repair**

Any understanding of genocide starts with an account of the mechanisms of dividing society into groups, establishing hierarchy, and then targeting one group for extermination. Understanding the role of division in Rwanda's recent history offers important context for understanding their antidivisionism law. Division makes domination possible, and domination brings exploitation, which is usually so valuable to the dominators that it takes special conditions to target a dominated group for extermination. In Rwanda, those conditions emerged in the early 1990s.

As far back as anyone knows, Rwanda has had three main groups of people living within its borders, the Hutu, the Tutsi, and the Twa. These are commonly called "ethnic" groups, but only the Twa seem ethnically distinct, while the Hutu and Tutsi share the same foods, the same songs and dances, and the same religions, in short, the same culture. These are neither ethnicities nor tribes nor clans. For generations, 'Hutu' and 'Tutsi' were status terms that applied to individuals, more class or guild terms than ethnicities. Anyone with ten cows would count as Tutsi, for as long as he or she had the cows.<sup>13</sup> Among people who prized milk, the Tutsi gained esteem as

herders, while the Hutu were farmers. Tutsi gained a different basis of value under Belgian colonial administration following World War I, during the height of Belgium's infatuation with eugenics: measuring faces and heads led the Belgians to declare Tutsi to be more likely descended from Europeans and so more fit for social and political leadership. The distinction became more rigid in 1933 when the Belgians required Rwandans to mark their status as Hutu, Tutsi, or Twa on their national identity cards. These identity labels were words with tremendous power, opening doors for some, slamming them for others. During the genocide, this demarcation became a death sentence for Tutsi. Today, outsiders walking down the street in Nyamata or Ruhengeri (Musanze) will be hard pressed to tell who is Hutu and who is Tutsi, and yet most locals say they can quickly "see" the difference.<sup>14</sup> The classification continues to matter to Rwandans, despite government efforts, because events since 1959, and especially 1994, make people want to know who is trustworthy, who is friend or foe. In a divided society, group identity spreads its tentacles all through social life.

Jason Stanley argues that "group identities are the coral reefs of cognition; much of the beauty of the production of human intellect is due to their existence," while also noting that "certain group identities are democratically problematic."<sup>15</sup> If a group identity helps generate self-knowledge, on Stanley's view, then democracy has a chance, but some group identities obscure our ability to recognize our own interests, for they "channel the rational flow of thought, and the affective flow of emotion in specific ways, creating obstacles to self-knowledge, as well as the free flow of deliberation required in a healthy democracy." Group identities came to be problematic at least since the Hutu Revolution of 1959 when massacres sent Tutsi fleeing for their lives and eclipsed opportunities for remaining Tutsi for decades to come.<sup>16</sup> When these group divisions were of little consequence, they would not have been a problem for developing democratic institutions. In the aftermath of a genocide that mobilized group identity and hierarchies of power, the continued salience of these terms became untenable. And yet, today, the terms themselves, the group labels, carry no sanctions. Nor could they, without obliterating access to Rwanda's history.

In 1994, Western media called the genocide the result of oppositional group identities run amok, a surge of unstoppable "ancient tribal hatreds." For example, in April 1994, the *New York Times* reported that the death of President Juvenal Habyriamana "set off a centuries-old tribal hatred between the minority Tutsi ethnic group and the majority Hutus."<sup>17</sup> The death of Rwanda's Hutu president was a catalyst for the start of the genocide of the Tutsi, but it was not its cause. From 1990 to 1994, the government worked to prepare Hutu men to be *génocidaires*.<sup>18</sup> Further, perpetrator testimony indicates that hate was not a real factor.<sup>19</sup> Group identities were a tool in a genocide sponsored by state leaders with declining political power facing a troubled economy. Rwanda's Hutu-power government was threatened by violent incursions from the Rwandan Patriotic Army (RPA), an army of exiles (mostly from refugee camps in Uganda) seeking the long-denied right to return. As the president of Rwanda returned from signing the Arusha Accords, agreeing to significant concessions on power-sharing with the Rwandan Patriotic Front (RPF), his plane was downed and the genocide was unleashed. The RPA leadership was setting up offices in the Parliament building, which still shows the damage from mortar attacks inflicted by the sitting government. The genocide of the Tutsi was not a spontaneous upsurge in ancient tribal hatreds but a carefully planned means to consolidate political power and retain Hutu supremacy.

MacKinnon's observation that "social supremacy is made, inside and between people, through making meanings" reminds us to keep track of the ways that difference is used for

dominance. Her next point applies to repair: “To unmake it, these meanings and their technologies have to be unmade.”<sup>20</sup> Eliminating division closes one easy route to domination. For Rwanda, eliminating division has meant eliminating group identification on identity cards (1996), prohibiting discrimination on the basis of group membership for educational access or jobs, and promoting an ideology of national unity over group identities. Eliminating genocidal ideology is a key part of that project. Even with these changes, we must be wary of too much optimism. The damage done by years of divisions is deep and widespread, so the unmaking of divisive meanings is an arduous task. Their value serves the interests of some people, who will be loath to let go of them.

### **Expressive Commitments: Eliminating the Arsenic**

When a society seeks to eliminate some ways of talking and introduce others, we should see this as engineering expressive commitments. The words we use and the ways we use them help to constitute the social, and sometimes material, world we inhabit. Whenever we speak, we not only undertake commitments in relation to the content of what we say (clarifying what we are referring to, justifying our claims, etc.) but we also undertake expressive commitments to the viability and value of the very words we are using, the modes of expression. If a professor calls her students “kids,” she is committing to the viability and value of using child-terms to refer to adult students. Many faculty avoid such locutions, to show respect. We tend to notice expressive commitments when we do not share them, and sometimes we challenge the terms others use because we are wary of letting the expressive commitments just hang there, lest they stay actively in play within the ongoing conversation.<sup>21</sup> Commonly accepted expressive commitments are the scaffolding of our ways of speaking and thinking; they are elements of our shared ideology.

When Thomas Kamilindi’s three-year-old daughter was called “snake,” she knew something was wrong about that. She felt the force of an ideology she did not share or understand. The International Criminal Tribunal for Rwanda (ICTR) Trial Chamber judgment explains:

The Hutu Power movement, spearheaded by CDR, . . . promoted a Hutu mindset in which ethnic hatred was normalized as a political ideology. The division of Hutu and Tutsi entrenched fear and suspicion of the Tutsi and fabricated the perception that the Tutsi population had to be destroyed in order to safeguard the political gains that had been made by the Hutu majority.<sup>22</sup>

Speech acts were part and parcel of the genocidal repertoire. Unmaking the damage of these speech acts requires not just random one-off incidences of more speech but different discursive practices to take hold across the society. Expressive commitments need to change, as we see when derogatory terms such as *inyenzi* (cockroach) and *inzoka* (snake) are no longer acceptable for use against humans. In Rwanda, dehumanization is a violation of Law No. 84/2013, Article 11, so these uses of these terms are forbidden. The law is saying, in effect, “We don’t talk that way anymore,” thus taking control of the expressive commitments and saying they are neither viable nor valuable. Law No. 84/2013 does not ban all division, however, for ‘Hutu’ and ‘Tutsi’ are not banned words. These terms do not dehumanize or otherwise demean, but nevertheless, one must be careful in their use while practices concerning identity are in transition.

The ICTR Trial Chamber judgment offers a mix of consequentialist and constitutive concerns: hate speech constitutes a harm in itself and it also spawns further harms:

Hate speech is a discriminatory form of aggression that destroys the dignity of those in the group under attack. It creates a lesser status not only in the eyes of the group members themselves but also in the eyes of others who perceive and treat them as less than human. The denigration of persons on the basis of their ethnic identity or other group membership in and of itself, as well as in its other consequences, can be an irreversible harm.<sup>23</sup>

The role of propaganda in the early 1990s and in 1994, particularly by the radio (RTLM) and newspapers (especially *Kangura*), has been well documented. Evidence was carefully reviewed by the ICTR, which found the leaders of these media outlets guilty of genocide (commission) as well as incitement. This finding was a milestone in legal acknowledgment of what hate speech is and does. The court found that the crime of persecution “is not a provocation to cause harm. It *is itself* the harm.”<sup>24</sup> Some speech acts cause harms; some speech acts *constitute* harms. This gets messy, though, because those constitutive harms do usually lead to dire consequences.

The position developing here is not only about words but about discursive practices and expressive commitments more broadly. Images matter too. The issue of permissible and appropriate expressive commitments also is not limited to Rwanda, though the dire results in Rwanda should serve as a warning. In Rwanda, the newspaper *Kangura* was full of derogatory cartoons about Tutsi, often focused on demeaning Tutsi women. These were easy to grasp, shocking, and ugly. The ICTR found the editor of *Kangura* guilty of genocide for the content he created and distributed. Anyone familiar with *Kangura* will see a parallel in the disrespectful and fear-mongering images in *Charlie Hebdo*, with its mockery of Mohammad and of Muslims in general. *Charlie Hebdo* editors said they were offering satire, but to what purpose? These images were about training people to disrespect a minority by mocking their prophet, while reinforcing a particular sense of French identity. One should hear echoes of Jean Paul Sartre’s searing charge that “if the Jew did not exist, the anti-Semite would invent him” because the passion of the anti-Semite is inherently self-directed, about claiming his place as a “true Frenchman.”<sup>25</sup> The power differential between satirist and subject must also be taken into account. As Jacob Canfield argues, “White men punching down is not a recipe for good satire, and needs to be called out.”<sup>26</sup> Just as important, putting the imagery into the context of French Islamophobia, Serene Khader argues, makes what might seem to be religious slurs slide into racist derogations, designed to strengthen nationalism.<sup>27</sup> Seeing derogations of Islam as part of a nationalist agenda helps to make sense of the double standard that allows slams against one minority religion (Islam) while punishing slurs against another (Judaism).<sup>28</sup> It also makes sense of the enormous demonstrations in the streets of Paris. The editors of *Charlie Hebdo* did not deserve to be brutally murdered, and free speech is an important human right. How to balance expression against the many other human rights is a question each society must decide, and postconflict societies may have special reason for caution about speech and images. David Brooks oversimplifies when he says, “Healthy societies, in other words, don’t suppress speech, but they do grant different standing to different sorts of people.”<sup>29</sup> One wonders whether there is an implicit circle here: if a society limits freedom of speech is that action ipso facto evidence of unhealthiness?

A society’s laws embody the limits of its shared values in the form of restrictions that mark the boundaries of permissibility. Speech, as a kind of action, must fall within the scope of law. Many national constitutions include protections for speech, and internationally, the UN’s Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek,

receive and impart information and ideas through any media and regardless of frontiers” (Article 19).<sup>30</sup> It does not guarantee the right to *persecute* by what we say. In the United States, attempts to introduce speech codes on college campuses and within municipalities have generally failed in the face of the First Amendment and our intensely individualist focus.<sup>31</sup> Nevertheless, such attempts should be seen as a glimmer of recognition that what one says counts as an action, and so should be (and sometimes is) actionable under the law. Such efforts should be seen as part of a conversation about which expressive commitments, which speech practices, are viable and valuable.

### Recognition Harms

Language policy is a fraught concern because—of all the things we do—language feels so personal, what one says feels so intractably one’s own. A law or social policy limiting one’s free speech feels like a terrible intrusion of the public into the private. It fits well with a view of persons as autonomous agents, fundamentally independent of each other.<sup>32</sup> Anglo-American liberalism is the standard bearer of this view. Speech protections protect individuals and their capacities for self-articulation and self-construction. Such protections are often very important for members of marginalized or oppressed groups whose speech would otherwise be silenced by what John Stuart Mill calls “the tyranny of the majority.”<sup>33</sup> Addressing cultural imperialism, the feminist philosophers Maria Lugones and Vicky Spelman explain that “part of human life, human living, is talking about it, and we can be sure that being silenced in one’s own account of one’s life is a kind of amputation that signals oppression.”<sup>34</sup> Speech restrictions rarely fall evenly across a society, and too often the weakest and most oppressed are also those most likely to suffer under restrictions. In contemporary Rwanda, the restrictions on the voices of genocidal ideology, most likely arising from a minority within the Hutu majority, are meant to protect survivors of 1994, who are seen as the most damaged and vulnerable members of society.

If we shift the lens away from intense individualism and instead conceive language as inherently social, then a different evaluation emerges. A common language defines a social group and infuses the group with tools to articulate its shared life. It is a primary means by which mutual understandings come to be constructed and disclosed. Rather than seeing language as the private province of the individual, if we see it as shared first, then addressing the question of what *we together* want it to be gains traction. Explicit social attention to the norms of discursive practice is thus disclosed as just part of what a social group does.

This social approach fits much better with many African philosophies and is particularly well expressed in the South African concept of *ubuntu*, which Archbishop Desmond Tutu describes as “My humanity is caught up, is inextricably bound up, in yours.” Or, “A person is a person through other persons.” He adds, “It is not, ‘I think, therefore I am.’ It says rather: ‘I am human because I belong, I participate, I share.’”<sup>35</sup> A person requires the recognition of other persons to live within the group. This concept of the person as inherently social and interdependent is strongly held across rural Rwanda. Sylvie Umubyeyi, a survivor of the genocide of the Tutsi, explains: “In the customs of Rwanda, a neighbor is a most important person. Only your neighbor knows how you awakened, what you need, how to advise you, how we can help one another. If you no longer know your neighbors, or if they slip away when you talk to them, you feel a great loss, and you must leave.”<sup>36</sup> If your neighbor turns away, you lose your social home; this is a kind of *normative abandonment*.<sup>37</sup> Language is not the only way we interact, but it is a crucial medium of our social world, of our relation to ourselves and others. It constitutes our conceptual scheme. Repairing our discursive practices, how we speak with and

about each other, is not sufficient for moral and social repair, but it surely is necessary. What we say has great power to offer or withhold recognition of the humanity of others.

It is an understatement to say that the genocidal violence that wracked Rwanda left in its path survivors who were physically and psychologically damaged. The toll for those who died and the cost to families and communities is immeasurable. Material harms, such as rape, murder, mayhem, terrorism, and theft, do more than material damage. They also inflict recognition harms, because these crimes violate essential moral and social norms. Failing to respect the weight of the other person's humanity, the perpetrator as it were declares it null, denying the victim moral and social recognition. Even after the physical wounds are healed, survivors struggle with "How *could he* have done this to me?"

Genocide survivors are normatively damaged by a deep betrayal of shared humanity, often made possible by failures of due recognition. Think of Sylvie's view about the importance of neighbors in Rwandan social world, as you consider this comment from convicted *génocidaire* Pio Mutungirehe, talking about the first time he killed:

In truth, it came to me only afterward: I had taken the life of a neighbor. *In that fatal instant I did not see in him what he had been before*; I struck someone who was no longer either very close or strange to me, who wasn't exactly ordinary anymore, I'm saying like the people you meet every day. His features were indeed similar to those of the person I knew, but nothing firmly reminded me that I had lived beside him for a long time. I am not sure you can truly understand me. *I knew him by sight, without knowing him.*<sup>38</sup>

Pio articulates the experience of recognition failure, a complex epistemic and moral failure. The identity of the other, someone quite familiar, did not mean anything to him, it carried no normative weight. This recognition failure is itself a harm, but it also results in a host of harms. When faced with grave harms such as murder, we lose sight of recognition harms, but we must see the role of recognition-failure in breaking down the murder taboo. For survivors, recognition harms linger, and only normative repair can help.

The concept of normative damage traverses philosophy and the social sciences, the abstract and the concrete, the individual and the social. Communities are structures of norms binding individuals together; those norms are also woven through each individual. Expulsion from the community creates ruptures within the self, and expulsion of the individual usually also creates ruptures within the community. The individual feels the loss of community norms and the protections they provide, and the community tears the individuals from the social body, as if it prefers the wound to the whole that was. When expulsion is on the scale of genocide, the ruptures are vast. Survivors experienced normative expulsion from their community, and normative abandonment by those they trusted to keep them safe. Recognition harm is an important dimension of the myriad harms genocide inflicts.

Genocide is not just a material or psychological crime; genocide gets its added intensity from being at its core a metaphysical crime. Genocidal intent presupposes a fixed ontology of kinds of persons, seeking their extinction, across all instances of the targeted kind, across time and place. From the perspective of those who survived being hunted, the apprehension that one is no longer welcome at home, or within one's community, is not only painful but also leads to feelings of having been expelled from the normative frameworks of community. These feelings can arise in other contexts, such as among the Amish who shun those who leave to live in other communities, or among Orthodox Jews who sit Shiva when one of their children marries a Gentile. The child is as if dead. Shunning or sitting Shiva for the living is a form of normative

expulsion. Genocide takes this expulsion much further, for survivors must face the apprehension that one is deemed no longer worthy of existence, and neither are one's parents, children, siblings, or any kin. The metaphysical message that one is marked for extinction creates tremendous challenges for rebuilding the norms and practices necessary for community first among those who were marked and then between the marked and those who did the marking.

To find salves for such normative damage, we seek acts of inclusion and recognition, through linguistic and material avenues for developing personal and social power. In rebuilding, Rwanda has sought to protect against internal ethnic division. Since the ethnic division was used to mobilize Hutu against Tutsi, weakening the grip of these category terms would be a start, but this is a tall order. Stopping the derogatory language and anti-Tutsi propaganda that fueled the violence would protect Tutsi survivors and fight the "Hutu mindset in which ethnic hatred was normalized as a political ideology" (ICTR). While political analysts may vary in their assessment of the root causes of the genocide, no one denies the power of anti-Tutsi propaganda in creating the *interahamwe* militias and preparing them to kill. Propaganda using derogatory terms for the targeted population, whether internal or external, is a standard process for turning citizens into killers.<sup>39</sup> It is useful during war but its divisive effects linger for decades in the ongoing uses of expressive commitments that inflict deep recognition harms. Ending hate speech is not enough. Many kinds of discursive practice must change, disallowing some expressive commitments. Everyday people in everyday contexts need to attend to the expressive implications of what they say. Legal sanctions and media policies may set a national agenda, but everyday practices are where the real change happens.

Two cases have captured international attention recently, so we will take these up in the next section. Most recently, a 2014 BBC film, *Rwanda's Untold Story*, has created an uproar among many Rwandans, especially genocide survivors, who see it as engaging in genocide denial.<sup>40</sup> The charges against this film help illustrate issues troubling Rwanda as it faces its recent history. Also relevant is the case against Victoire Ingabire, whose 2010 speech at Gisozi, Kigali's national genocide memorial, resulted in her arrest. On the surface, much of her speech seems to call for unity and reconciliation, so we must look carefully to see how what she said runs afoul of the law. Our purpose in briefly considering these cases is simply to gain greater clarity about these kinds of problematic speech acts—divisionism, negationism, minimization, denial—to see what is at stake in the process of speaking one's way out of a hostile, postgenocidal, divided society.

### **Law No. 84/2013, Provisions and Tests**

The philosopher John Rawls, in his now classic 1971 *Theory of Justice*, asks us to imagine ourselves in "an original position of choice," in which we must choose the basic principles of justice that would structure our society's institutions. In the situation of those tasked to lead Rwanda in the aftermath of cataclysmic destruction wrought by its state-sponsored genocide, we see a real-life version of the Rawlsian original position. In those early days in late 1994, language policy would not be a high priority. All social, political, and economic infrastructures were destroyed. There were nearly a million dead, whose bodies must be found and buried with respect. The entire country was a crime scene. Survivors were physically damaged and deeply traumatized, while those who were part of the killing militias were either fleeing or hiding in plain sight, denying their participation. Distrust was (and remains) a survival mechanism in constant use, and ethnic identities were (and remain) highly charged. Building a new world from this wreckage required creating security, rebuilding institutions, getting people back to work, and

healing damaged bodies and spirits. Ending ethnic division became a high priority, and language policies became part of that project.

To ensure justice will emerge, on Rawls's view, we must go behind a "veil of ignorance" that takes away our knowledge of our own position in society, as well as specific knowledge about others. In such ignorance, we would advocate for policies that raise life prospects across the whole society, and we would protect society's least advantaged, since we may find ourselves in that position when the veil is lifted. Rawls argues that this approach—making sure that the system does not harm society's least advantaged members—leads to maximizing the minimum welfare across society. In Rwanda, the least advantaged members of society are the Tutsi who survived being hunted and targeted for death, those who lost whole families, who were brutalized and left for dead and yet somehow survived.<sup>41</sup> Their presence is a constant reminder of horror, and even today, twenty years postgenocide, survivors remain a minority within the Tutsi minority, outnumbered by returnees. Keeping their plight in mind helps make sense of many provisions of the new Rwandan constitution and laws.

The Preamble to the 2003 Rwandan Constitution opens with a statement about the genocide against the Tutsi, casting all that follows as a response. From its very inception, the new Rwanda took a stand against the genocide of the Tutsi as well as "any other form of divisions" (Clause 2).<sup>42</sup> Preamble Clauses 3 and 4 set out responsive principles of democracy, unity, and reconciliation, and Clause 5 ties these to success in economic and social development. Later clauses stress the rule of law, based on "respect for fundamental human rights, pluralistic democracy, equitable power sharing" (Clause 6), and elements undergirding unity: "a common language, a common culture and a long shared history" (Clause 7), which are presented as the source of a shared vision for the future. Rwandans have always had a common language, Kinyarwanda, but for a while anti-Tutsi speech practices and demeaning images became common practice. New practices embracing unity are meant to crowd these out. These are ideals, born of the recent genocide, and not yet fully realized in the twenty years hence. This is no surprise; after all, the US Constitution also sets out beautiful ideals, not yet fully realized in the 227 years since its ratification.

The Constitution's Article 9, which articulates Rwanda's basic principles, sets the normative foundation for the language policy that emerged ten years later in Law No. 84/2013. Article 9 repeats the national commitment to fight genocide ideology, specifically "the eradication of ethnic, regional and other divisions and the promotion of national unity," also known as "antidivisionism." If one is trying to eradicate ethnic divisions, then outlawing all uses of ethnic category terms would be an obvious move, but this is not what Law 84/2013 does. Rwanda really cannot outlaw 'Hutu' and 'Tutsi' because they are a necessary component of the nation's history, and they continue to have a strong grip on individual identities. In fact, Rwanda faces a Catch-22: on one hand, treating everyone as "just Rwandans" may foster unity but obscures the legacy of the genocide, the responsibilities of perpetrators, and the losses of victims. It purports to overcome the victim/perpetrator framework, but clearly any such overcoming will be at the expense of the victims, who have already lost so much. On the other hand, special attention to the needs of survivors keeps alive the divisions heightened as part of preparing for and enacting the genocide. Unity comes at a price.

## **A Demarcation Line**

Rwanda's Law No. 84/2013 of November 9, 2013 "On the Crime of Genocide Ideology and Other Related Offences" is meant to comply with international standards and parallel European

laws.<sup>43</sup> In 2012, while the Parliament was debating revisions to the 2008 law, I met with one of the president's legal advisers, who said that crimes against survivors dropped dramatically after the adoption of the 2008 law and expressed hope that the new law would "serve more as a demarcation line than a frequently used norm to regulate social behavior." A demarcation line sets outer limits, and if these are respected, the norm will be enacting social change. If the social change is effective, then enforcement will be minimal because the new practices will not bump up against the prohibition. A more negative way to look at it is that the law will have a chilling effect; compliance is evidence only of the law's effectiveness in controlling behavior. And, if enforcement gets too far ahead of social acceptance, resistance may mount.

In defining the crime of genocide ideology, Article 3 requires the act to be deliberate, done in public, for the purpose of advocating for the commission of genocide or simply supporting genocide. Purpose and *mens rea* matter. Genocide based on race, ethnicity, religion, and nationality are all prohibited, and the speech act can be oral or written or by other means such as music or video. Similarly, Article 4 defines "incitement," as a public act, done with the intention to "encourage, influence, induce or coerce" someone to commit genocide. Leon Mugesera's now infamous 1992 anti-Tutsi rallying speech would count as incitement, but so would a radio announcer saying, "Kill the cockroaches in the red car approaching the roadblock."<sup>44</sup>

What counts as "public" is narrower than one might expect: "a site in which acts are performed or words are uttered in the presence of or in a place accessible by at least more than two (2) persons" (Article 2, sec. 4). A speech at Gisozi counts as "in public," but what if someone were to say the same thing to a table of friends while in a restaurant in Kigali? The restaurant setting meets the definition, and yet the privacy of a dinner conversation seems to fail the test of publicity. The publicity clause, until modified, needs special care in application. The two cases we are considering, the BBC film and Victoire Ingabire's speech, are clearly public in any sense of that term.

Earlier we said that discursive practices include images, such as political cartoons; Law 84/2013 encompasses many forms of symbolic action, including material actions that have symbolic significance, including the destruction of evidence of genocide, destroying memorials, or damaging or stealing remains (Articles 8–10). Article 11, categorized as "Violence against a genocide survivor" involves a variety of deliberate but not necessarily public linguistic behaviors:

Violence against a genocide survivor shall be a behaviour or any deliberate act that consists in harassing, intimidating, dehumanizing, ridiculing a person, boasting to his/her detriment, mocking, insulting him/her or destroying his/her property for the sole reason that he/she is a genocide survivor.

Prohibiting dehumanization prohibits the use of *inyenzi* (cockroach) but not 'Tutsi.' Some cases are more subtle. Consider what is troublesome about: "You have long legs." said to a tall, long-legged twenty-year-old man, on a bus, in Kigali, in 2004. This statement could well count as harassing and intimidating, for it invokes 1994 RTLM broadcasts, and the target of the comment was, indeed, a genocide survivor. This case would be impossible to prove, unless the speaker knew and was motivated by knowing that the target was a survivor; the action must be undertaken "for the sole reason that he/she is a genocide survivor."<sup>45</sup> Most of our actions are undertaken for multiple reasons, so this is an escape clause. Surely the authorities are unlikely to reach onto that bus and charge the speaker with violating Law No. 84/2013, but the law's existence still has a normative power to prohibit.

### **Genocide Denial: Rwanda: *The Untold Story***

Political dissent is not the problem with the BBC documentary *Rwanda: The Untold Story* (2014), which can be seen as a political and ideological attack on the Kagame administration's legitimacy. The problem with the film is that it violates Law No. 84/2013 in several key ways. Under the law, genocide denial comes in several varieties: Negation (Article 5), Minimization (Article 6), and Justifying (Article 7). To understand the power of negationism and the challenge of distinguishing it from minimization, consider the incendiary claim made in the film by Professors Christian Davenport (University of Michigan) and Alan Stamm (University of Virginia). They claim that in 1994 there were "only 200,000 Tutsi killed," because, they say, there were not enough Tutsi in Rwanda for the casualties to be as high as 800,000 to a million. This is an absurd claim and has been well rebutted.<sup>46</sup> By clearly underestimating Tutsi losses, this claim counts as minimization, that is, "downplaying the gravity or consequences of the genocide" (Article 6, sec. 1). Those making this claim further argue that if the death toll in 1994 was between 800,000 and 1 million in 1994, the rest had to be Hutu, so this implies that the genocide might not have been a genocide, or it might have been a double genocide, since it argues that Hutu losses were greater than Tutsi. That argument meets Article 5: Negationism, section 2: misconstruing the facts to mislead, and section 3: supporting a double genocide.

IBUKA, the umbrella organization for genocide survivors in Rwanda, issued a statement calling for the BBC to stop showing the film because of its inaccuracies. They focus on the political purposes of the film and charge its makers with denial: "It was with disbelief and disappointment that a few people who have their differences with the current government or the country were given a platform to politicise the Genocide and deny the planned and systematic killing of over one million people."<sup>47</sup> The BBC also received a letter, signed by nearly forty scholars and respected experts on Rwanda, outlining the irresponsible claims made in the film. They state clearly that the film is a case of genocide denial, with dire consequences: "The programme has fuelled genocide denial. It has further emboldened the génocidaires, all their supporters and those who collaborate with them." They also explain the importance of fighting genocide denial: "Denial, the final stage, ensures the crime continues. It incites new killing. It denies the dignity of the deceased and mocks those who survived. Denial of genocide is taken so seriously that in some European countries it is criminalized. In 2008 the Council of the European Union called upon states to criminalize genocide denial."<sup>48</sup> Rwanda is not alone in fighting genocide denial, even as the forces of denial gather steam, especially from abroad.

### **The Victoire Ingabire Case: Meaning Is Local**

The arrest and trial of Victoire Ingabire for her 2010 speech at Kigali's Gisozi Memorial to the Genocide of the Tutsi included charges of terrorism and charges of genocide minimization. The Ingabire case illustrates the interplay between politics and speech, while a close examination of her speech and of where and when she spoke it shows the need for caution in rushing to judgment. Setting aside many important issues surrounding this case, including due process and Rwanda's need for more political parties, analyzing the speech, in its context, shows why it raised concerns. Ingabire's case has been used to argue that the current government in Rwanda is stifling political freedom; the charge may be well grounded by other cases, but international discussions of this case often rest on interpretive mistakes.

Consider, for example, Tim Longman's brief gloss on Ingabire's case in the *New York Times* in June 2012:

Ms. Ingabire, who had lived outside the country since before the genocide and is a member of the Hutu majority, stirred immediate controversy when she returned in 2010 and spoke openly about ethnic politics—a taboo subject since the genocide. She was blocked from running for president. Several weeks after the election, which Mr. Kagame won with 93 percent of the vote, she was arrested for violating a 2008 law that prohibits “genocide ideology.” Ms. Ingabire had suggested that innocent majority Hutus who died during the genocide deserved to be mourned alongside the minority Tutsis who were massacred by Hutu militias. She has said her goal was reconciliation, not historical revisionism.<sup>49</sup>

Speaking about ethnic politics is not ipso facto engaging in ethnic politics, and Ingabire’s speech does the latter, which got her in trouble. Amnesty International similarly oversimplifies by simply citing “her political views” as the basis of the speech-related charges:

The speech-related charges were brought against Victoire Ingabire following the public expression of her political views. The prosecution alleged that as leader of various political groups in the diaspora, and after her return to Rwanda in 2010, she had uttered, published, wrote or made known to the public through print, radio or the internet, statements or ideas aimed at minimizing the 1994 Rwandan genocide.<sup>50</sup>

Ingabire’s case is not evidence that all political freedoms are at risk. Setting aside Longman’s argument by juxtaposition that suggests that the arrest altered the election results, which we do not know, there nevertheless may be justified concerns about varieties of political repression.<sup>51</sup> Some forms may be justified: just as Germany stifles the efforts to revive the Nazi party, so Rwanda stifles efforts to restore Hutu extremism in its many political forms. This action is a limited sort of political repression.

We should focus on two of Longman’s key claims: first, that speaking openly about ethnic politics has been taboo since 1994, and second, that Ingabire’s urging that Hutu deaths in 1994 should be mourned alongside Tutsi deaths is reconciliatory and not historical revisionism. The wrongness of these claims reveals how challenging it is to understand the depths of divisions that one does not live. Speech acts, even public speech acts, are local. They occur within a local context, a political climate, a moment in history, carrying the weight of the past. Speakers are as situated as are hearers. What a speech act is to outsiders might be very different from its meaning, impact, and power for locals.

Locating the local is the challenge. Rwanda’s Media High Council’s *Journalistic Handbook for Writing and Speaking about the Genocide* discusses a report that fails to see the RTLM broadcast of “the grave is half full, who will help us fill it?” as a call to exterminate Tutsi.<sup>52</sup> Their response is key: “RTLM journalists knew well before that however implicitly stated, the message once rendered in their mother tongue would be clear to the Rwandan audience in spite of some public or international opinions who might have an erroneous understanding of it.”<sup>53</sup> So let us be forewarned to look carefully at the local understandings. The report they criticize does remark that the discourse of RTLM “was far more subtle, and less direct, than most observers have acknowledged,” and yet it misses some of the subtlety just the same.<sup>54</sup>

When Victoire Ingabire went to Gisozi, the national genocide memorial in Rwanda’s capital city, Kigali, she brought flowers to place on the mass graves that hold over half a million brutally murdered Tutsi. This is a gesture of respect. The first half of Ingabire’s short speech explicitly supports remembering the genocide as genocide, and acknowledging the victims, survivors, and

perpetrators as such. Ingabire makes clear that the speech is political, saying she represents a political party (the FDU) and adding that they endorse nonviolence and the message of “Never again.” She makes this point twice in only a few paragraphs (lines 9 and 14). A quick read will convince a casual observer that Ingabire was not denying, minimizing, or negating the genocide. Where Ingabire first runs afoul of the 2008 law is in saying,

But then again, if you look around you realize that there is no real political policy to help Rwandans achieve reconciliation. For example, if we look at this memorial, it only stops at people who died during the Tutsi genocide. Hutus who lost their people are also sad and they think about their lost ones and wonder, “When will our dead ones be remembered?”<sup>55</sup>

Reading these words on a website a thousand miles away, it is easy to forget the context, but context is crucial.

Place matters. Ingabire said this while standing in Gisozi, the national memorial to honor the victims of the genocide of the Tutsi. Consider a parallel: someone standing at the Berlin Holocaust Memorial, saying, “Germans of the Nazi Party are also sad about their loved ones who died, so why isn’t this monument also dedicated to them?” It is superficially compassionate but deeply horrific. The answer is clear: this monument honors the victims. Still, such monuments are, in an inverse way, also monuments to the perpetrators. At Gisozi, when you see the scope of the mass graves, you see the scope of the perpetrators’ actions. Remembering the losses reminds us that people did this and shows us what they did. It does not ask us to grieve for them, but we surely remember and rue their actions.<sup>56</sup>

Ingabire’s speech, on the surface, speaks of reconciliation and of justice for all. And yet, her mention of Hutu deaths makes no mention of Hutu responsibility for the genocidal murders of the Tutsi. Longman’s summary says: “Ms. Ingabire had suggested that innocent majority Hutus who died during the genocide deserved to be mourned alongside the minority Tutsis who were massacred by Hutu militias.” But, nowhere does she speak of “innocent majority Hutus.” She simply mentions Hutus who died. Even worse, the parallel construction in lines 21 and 22, suggests a moral and social parallel.

- A. “It is necessary that for the Tutsis who were killed, those Hutus who killed them understand that they need to be punished for it.”(Ingabire, line 21)
- B. “It is also necessary that for the Hutus who were killed, those people who killed them understand that they need to be punished for it too.” (Ingabire, line 22)

Sentence (A) is uncontroversial, but (B) is ambiguous and troublesome. If she is talking about that the Hutu who were killed during the genocide because they refused to kill, or because they aided Tutsi, that is no problem under the law. These Hutu are generally referred to as “moderate Hutu” and counted within the ranks of victims. If she meant that the Hutu who were killed by the RPF in stopping the genocide are just as much victims as the Tutsi who they were killing, that is historical revisionism. Similar logic would require holding the Allied Force responsible for the Nazis they killed in defeating Hitler’s forces. It doesn’t make sense, because it turns perpetrators into victims, thus blurring the distinctions that fueled the genocide itself.

This section does not argue that Ingabire should be tried for minimization or that the penalties are appropriate. A close analysis of the speech shows is that there is an elevation of all Hutu, not just the innocent Hutu as Longman suggests, promoting empathy for and memorialization of the killers. There should be concern within Rwanda for all its citizens now,

whatever their past crimes, but this does not undermine the appropriateness of the Gisozi memorial or justify the denial of the heroic efforts of those who work with the National Unity and Reconciliation Commission, Institute for Research and Dialogue for Peace, IBUKA, AVEGA, and more.

The antigenocidal ideology law does not prohibit sadness, empathy, or grief. The law delimits which kinds of speech acts are acceptable and which ones are not. They are about shared practices, shared history, and rooting out ethnic division and hierarchy. These practices have power to shape our emotions and our everyday lives, because they come to constitute our ways of living. Recall Jason Stanley's comment about group identities having the power to "channel the rational flow of thought, and the affective flow of emotion in specific ways." In a society in which so-called ethnic identity is always salient, always stratified, always risky, to unlearn the divisions will take more than empathy for the sadness of others. It takes changing one's very conceptual scheme. It takes learning to listen carefully and well, putting things said into context, and treading softly.

### **"Listen to What You Say": A Journalistic Handbook for Writing and Speaking about the Genocide**

The Rwandan journalist Thomas Kamilindi, whose little daughter was puzzled by "snake" applied to humans, tells a story about speaking to other journalists at a 2003 seminar in Côte d'Ivoire titled "Conflict, Peace and Media." Kamilindi is describing his experience in Rwanda in 1994.

I said that certain reporters participated in the violence, while others spoke out against it. I reminded them that 48 journalists had been killed in Rwanda because they spoke out. The reporters in Côte d'Ivoire asked me, "How can we know if what we're doing is wrong?" They didn't know the answer to that question. Some of them had already gone too far. They had become part of the hate media without knowing it. So I told them, "look at what you write. Listen to what you say, and analyze yourself. If you are demonizing people, if you are stigmatizing other tribes, other clans, you're involved in violence."<sup>57</sup>

Demonizing and stigmatizing are forms of violence. Kamilindi's advice goes a long way to capturing the spirit of the guidance offered in the Media High Council's *Journalistic Handbook for Writing and Speaking about the Genocide*.

There's an ethics to discourse as much as there is an ethics for any human activity. We do, often, make explicit our discursive norms—norms of what we can and cannot say, norms governing appropriate manner of speech, who should speak when, about what, why, and so on. Law No. 84/2013 is not the only way that Rwanda is trying to recast discursive practices to make them more inclusive, less damaging to survivors, and less likely to foment further genocide. As part of the effort to combat genocide denial and promote discursive accuracy, Rwanda's Media High Council (MHC) commissioned research into the scope of genocide denial discourse and published a booklet to educate journalists and others about the issues. The handbook addresses the media, for the MHC holds that "the media determines the agenda of national concerns and imposes public priorities."<sup>58</sup> In the United States, we call the media "the fourth estate" of government because a free press is essential to democracy. The MHC holds that guiding journalists can guide the nation. Public speech sets standards of acceptable practices, so in seeking to transition away from discourse heavily laden with genocidal ideology, the MHC set

out to “examine the role of discourse in our daily communication.”<sup>59</sup> This handbook seeks to promote thoughtful engagement with the issues of how to speak with accuracy and respect about fraught and contested moments. Examining a few samples from this handbook highlights the differences in expressive commitments made by the suggested locutions compared with those that are criticized. Looking at their examples while keeping expressive commitments in mind, it is clear that this handbook seeks to undermine the viability and value of certain speech practices. Its purpose is more didactic than regulatory.

Protecting survivors is central to the project of the handbook, for it includes many words and phrases that would, for example, trigger those traumatized, instill fear, or show contempt for victims, and in some instances it shows alternatives. The authors advise writers to “never use, in reporting, commentary, or headlines, disparaging words related to race, ethnicity, and so on.”<sup>60</sup> Some words that come with warnings are not inherently ethnic or disparaging; the warning arises for the ways the words were co-opted by the Hutu extremists. Consider ‘*umuganda*’ (communal work). Today in Rwanda, on the last Saturday morning every month, called *Umuganda* Saturday, people all across Rwanda stop their personal activities to engage in community service. This is a long-standing Rwandan custom and participation is mandatory. In 2011, in Rwinkwavu, I saw groups of local people pulling weeds from the roadside ditches. There were clusters of people building or repairing houses together in the distance across the hillsides. Recent nationwide *umuganda* projects have included planting trees.<sup>61</sup> In 1994, RTLM radio broadcasts used ‘*umuganda*’ as a code for killing, as if this were a community service. So now the MHC warns caution in the use of this term. We can see that this term is being reclaimed through the government reinstitution of *Umuganda* Saturdays, so this warning, while fair, should be taken to caution about the context of use, not to forbid all use. It has value, as tied to history and community building, but its viability is a question of scope. *Umuganda*-talk has a long way to go before it can be used in other contexts without prejudice.

Since much of the language that prepared the killers relied on shifting the meanings of traditional proverbs, common metaphors, and euphemisms, the handbook urges journalists to develop a sensitive understanding of indirect discourse. These became important means of communication during the genocide as well. The guidebook warns not to trigger survivors by casual use of terms and phrases that were used to facilitate their trauma. A Rwandan friend, a survivor, told me a story about a traditional song she loved as a child.<sup>62</sup> The *interahamwe* took it up as an anthem, changing a few words, and in 1994 she would hear them on the streets singing it in cadence as they marched. The memory flooded back to her in alarm as we sat outside on a terrace above the street and heard a group of about twenty soldiers march rhythmically by. My friend explained that she always had loved the song, so she decided to reclaim it and sing it the old way with her children. One day, a friend heard her singing it and tried to shut her down. It was a trauma-trigger for her friend, even with the original traditional words restored, because the memory of the use by the militias was still too fresh. Reclamation of songs, proverbs, metaphors, and euphemisms associated with traumatic experiences is a difficult and very personal process, uneven in its results.

The handbook urges journalists to say “jenocide yakorewe Abatutsi muri 1994” or more simply, “jenocide yakorewe Abatutsi.” Before setting foot in Rwanda, I tended to say, like so many others do, “the Rwandan genocide.” With local experience, I came to understand that survivors were unhappy with this locution, because Rwanda was not the target, the Tutsi were. So this common locution obscures the nature of the events. Instead, the more accurate (and cumbersome) phrase is “the genocide of the Tutsi” or “the genocide of the Tutsi in Rwanda.”

This second option is a problem, though, because now *génocidaires* target Tutsi outside Rwanda in the diaspora too.

Not all attentiveness leads to more cumbersome language. In Rwanda, I found that most of the people I spoke with just referred to the genocide as “’94,” as in “Where were you in ’94?” not “Where were you during the genocide?” Someone might say, for example, “In ‘94, I fled from Kigali to Kibuye.” This statement is similar to Americans referring to the attacks on the World Trade Towers and Pentagon as “9/11.” It is a shorthand that everyone understands, and it does not put the whole concept right in your mind’s eye with every utterance. The point is not to erase but to soften the way of referring in order not to retraumatize. This balancing act, suspended between accuracy and delicacy, is a constant issue in Rwanda, so guidelines like the handbook and advice like Thomas Kamilindi’s are invaluable.

Most discussions of good journalistic practice will rule out promoting hate speech, incitement, and other forms of damaging discourse. For example, the Zimbabwe Peace Project (ZPP), expressing concern that “hateful words can all too easily lead to physical attacks on citizens and set off a cycle of violence” calls for an end to hate speech. Further, the ZPP calls for the Zimbabwe Media Commission “to promote and enforce good practices and ethics in the media, and to monitor broadcasting in the public interest” while ensuring a diversity of viewpoints. In their defense, they cite Guatemala, Bosnia, and Rwanda as examples of genocidal violence fueled by hate speech. The challenge, as they note, is to balance diverse voices, foster political inclusion, and still restrict incendiary or inherently harmful speech practices.<sup>63</sup> Similarly, the Ethical Journalism Network, an international organization founded in 2011, argues that journalism would improve if journalists considered their sources carefully (who is speaking), looked for the patterns and scope of what is said, noted its reach and objectives, and kept track of the economic, social, and political context.<sup>64</sup> They urge journalists to “combine free expression with a commitment to professional and ethical standards.” Not every citizen is a journalist, of course, but in the project of guiding expressive changes to promote greater recognition across a society, cautions for journalists are always worth considering for the examples they set.

## **Conclusion**

In general, protecting freedom of expression contributes to individual welfare and the common good. The development and protection of a free press is crucial to democracy. The classic source of these views is John Stuart Mill’s *On Liberty*, which argues that free speech promotes access to more information and better sources of information and so is the fuel of democratic decision making. Censorship and silencing harm society by closing down what could become valuable alternatives, and even for those views that are utterly wrong, Mill sees their wrongness as instructive and argues that the views are valuable as a foil. He classifies such views as “more-speech” views, arguing that the cure for bad speech is more speech. This position requires considerable confidence in social and political security, offering an ideal to achieve, which may not be immediately possible in the aftermath of atrocities like genocide. Further, such views do not take adequate account of the power dynamics of whose speech matters, whose speech carries more weight in the social and political arena. Nevertheless, careful attention to rebuilding discursive practices can go a long way to fostering the inclusiveness and trust that will make such freedoms possible.

There is much to learn from Rwanda’s efforts, through law, government agencies, and informal mechanisms, to take control of the expressive commitments of what people say. It is not clear that the engineering of discourse can always succeed, but if all language has an implicit

ideology, and if Klemperer is right that words can be like arsenic, easy enough to take in bit by bit but ultimately toxic, it is worth trying to change the diet. Rwanda's antidivisionism efforts are a work in progress, seeking to replace damaging discursive practices with practices that show respect. Denial and negationism are the final phase of genocide, and Rwanda is facing that now. In time, with widespread discursive change and education reform, they may not need laws like 84/2013 or handbooks of discursive advice. But explicit avowals of national unity and reconciliation may remain important even after damaging divisions are no longer active.

Simply saying, "Let's change how we talk" is never going to do the whole job of ending discursive violence. Consider Peter Teachout's optimistic analysis of the situation in Germany, to see the variety of efforts needed to fight the power of lingering Nazi ideology.

An equally if not more important change since the end of World War II has been the emergence of effective alternative methods for combating ignorance and misinformation about the Holocaust. Education in public schools, Holocaust memorials and museums, official days of remembrance, documentaries and popular films, and, perhaps most importantly, websites like Nizkor, have profoundly altered the informational landscape. These developments undermine the need to rely on criminal prosecutions to combat negationist statements since, with the wealth of accurate information now readily available, the likelihood that such statements will be taken seriously is greatly diminished. Negationist claims are much more likely to ring false and suspect to an educated public. Moreover, there is now full and adequate opportunity for rebuttal.<sup>65</sup>

Teachout places great faith in the power of education, but even if negationism were to lose traction, it would still be worth making an explicit stand against it. What is helpful here is Teachout's list of types of commemorative actions and integrations that help to fight denial. Rwanda is doing all of this, but it is still early days. Appropriate changes to discursive practices can lead the way to greater freedoms. Even Rwandans who accept the entire antidivisionist rationale should still seek greater expressive freedoms in a wide variety of venues. Rwanda still needs a full and free press, more outlets than currently exist, and encouragement of a diversity of views.<sup>66</sup> Rwanda can fulfill these needs while still fighting ethnic divisions.

Current criticisms of Rwanda show impatience. Twenty years is a long time to outsiders, but not so long to those doing the hard work of rebuilding a nation. In evaluating policies like Law 84/2013, we also should look at whether policies are interim or meant to be longstanding. Strict repression as a response to the collapse of the state, with the chaotic and dangerous social aftermath, makes sense as part of a return to a more secure situation in which such repression loses its justification. If one accepts this rationale, the question then arises: How long should such restrictions stand? As long as they express the society's commitment to fight division. And, as long as lingering recognition harms shape opportunities for social, civic, and political engagement. Today, more than a dozen European nations have laws against the display of Nazi images, the sale of Hitler's *Mein Kampf*, and the promotion of Nazi ideology and anti-Semitism. Despite broad freedoms, these nations have drawn a line in the sand. Germany still has its anti-Nazi speech laws, nearly seventy years since the end of World War II. Human Rights Watch started to attack Rwanda's policies after only twelve years.<sup>67</sup> They may be right to condemn particular uses or abuses of the policies, but we must look at these policies separately from their enforcement, and see what positive normative force they can offer. A society freeing itself from deep immersion in genocidal ideology must undertake a thoughtful and deliberate extrication that includes changing permissible expressive practices. This action is crucial for creating a context

in which individual freedoms can emerge, in which the least advantaged members of society—those who were targets—are protected, and in which fear and distrust can be set aside.

Avoiding discursive violence can be achieved by keeping track of our expressive commitments and resisting recognition harms. Let us listen to Thomas Kamilindi: Let's listen to and analyze what we say and make changes accordingly. Outside Rwanda, we must look at the social divisions that drive our societies, see how they promote division, domination and exploitation, and make sure that these divisions do not rationalize additional forms of violence. In the United States and Europe, race and religion are intertwined in identity politics, so we must be especially wary of facile language and damaging images that divide us across these lines. Sensitivity to our habits of categorizing ourselves and others, and changing behaviors accordingly, is mandatory for fighting divisions and will in the long run lead to greater social justice.

## Notes

<sup>1</sup> For more on expressive commitments, see Robert B. Brandom, *Making It Explicit* (Cambridge: Harvard University Press, 1998); and Lynne Tirrell, "Genocidal Language Games," in *Speech and Harm: Controversies over Free Speech*, ed. Ishani Maitra and Mary Kate McGowan (Oxford: Oxford University Press, 2012), 174–221.

<sup>2</sup> Ludwig Wittgenstein, *Philosophical Investigations*, 3rd ed., trans. G.E.M. Anscombe (New York: Macmillan, 1953), §19.

<sup>3</sup> Victor Klemperer, *The Language of the Third Reich, LTI: Lingua Tertii Imperii* (New York: Bloomsbury Academic, 2006), 15–16.

<sup>4</sup> Eric Heinze, "Hate Speech and the Normative Foundations of Regulation," *International Journal of Law in Context* 9, no. 4 (2013): 590–617.

<sup>5</sup> Catharine MacKinnon, *Only Words* (Cambridge: Harvard University Press, 1993), 31.

<sup>6</sup> Tirrell, "Genocidal Language Games."

<sup>7</sup> Anti-Semitism in the era between the wars in Germany, for example, can be traced to medieval times. See Nico Voigtländer and Hans-Joachim Voth, "Persecution Perpetuated: The Medieval Origins of Anti-Semitic Violence in Nazi Germany," *Quarterly Journal of Economics* 127, no. 3 (2012): 1339–92.

<sup>8</sup> Christopher Ingraham, "Anti-Muslim Hate Crimes Are Still Five Times More Common Today Than before 9/11," *Washington Post*, February 11, 2015, <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/02/11/anti-muslim-hate-crimes-are-still-five-times-more-common-today-than-before-911/>. Also, see the FBI statistics on victims for 2012, at "2012 Hate Crime Statistics," *Uniform Crime Reports*, Federal Bureau of Investigation, [http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/topic-pages/victims/victims\\_final](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/topic-pages/victims/victims_final).

<sup>9</sup> The FBI reports, "Today's domestic terror threats run the gamut, from hate-filled white supremacists . . . to highly destructive eco-terrorists . . . to violence-prone anti-government extremists . . . to radical separatist groups." "Domestic Terrorism in the Post-9/11 Era," *Stories*, Federal Bureau of Investigation, September 7, 2009, [http://www.fbi.gov/news/stories/2009/september/domterror\\_090709](http://www.fbi.gov/news/stories/2009/september/domterror_090709). For information on terrorist events from 1970 to 2013, see National Consortium for the Study of Terrorism and Responses to Terrorism (START), 2013, *Global Terrorism Database (data file)*, <http://www.start.umd.edu/gtd/>. See also "TE-SAT 2014: European Union Terrorism Situation and Trend Report 2014," Europol, May 28, 2014, <https://www.europol.europa.eu/content/te-sat-2014-european-union-terrorism-situation-and-trend-report-2014>.

<sup>10</sup> Media High Council (MHC), *Journalistic Handbook for Writing and Speaking about the Genocide* (Kigali: MHC, 2011), 2.

<sup>11</sup> The situation is constantly changing, and existing literature addresses prior versions of the law and prior prosecutions, some of which would not pass muster on the new law. For a country conditions report, see "Rwanda," *World Report 2014*, Human Rights Watch, <http://www.hrw.org/world-report/2014/country-chapters/rwanda>. See also Yakaré-Oulé (Nani) Jansen, "Denying Genocide or Denying Free Speech? A Case Study of the Application of Rwanda's Genocide Denial Laws," *Northwestern Journal of International Human Rights* 12 (Spring 2014): 2, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1172&context=njihr>. For a detailed critique of the Kagame administration's political use of earlier laws, prior to 2007, see Lars Waldorf, "Censorship and Propaganda in Post-Genocide Rwanda," in *The Media and the Rwandan Genocide*, ed. Allan Thompson

(London: Pluto Press, 2007), 404–16. Finally, silencing charges against the Kagame administration tend not to be focused on speech alone but on physical attacks on political opponents, purportedly at the behest of the Kagame administration, such as the attacks on two former heads of Rwandan Intelligence, Colonel Patrick Karageya (who was murdered in South Africa) and General Faustin Nyamwasa (who survived several attempted murders). See, for example, Geoffrey York and Judi Rever, “Assassination in Africa: Inside the Plots to Kill Rwanda’s Dissidents,” *Toronto Globe and Mail*, May 2, 2014, <http://www.theglobeandmail.com/news/world/secret-recording-says-former-rwandan-army-major-proves-government-hires-assassins-to-kill-critics-abroad/article18396349/>.

<sup>12</sup> The prior law was Rwanda: Law No. 18/2008 of 2008 Relating to the Punishment of the Crime of Genocide Ideology [Rwanda], July 23, 2008, <http://www.refworld.org/docid/4acc9a4e2.html>.

<sup>13</sup> If Alison Des Forges is right that ‘Tutsi’ literally means “leader” and ‘Hutu’ means “follower,” then there is an ideology of power built into these labels that helps make sense of their social fluidity. See “History,” in *Leave None to Tell the Story: Genocide in Rwanda*, Human Rights Watch Report, March 1999, <http://www.hrw.org/reports/1999/rwanda/Geno1-3-09.htm>.

<sup>14</sup> There are physical stereotypes for each group, but as with any stereotype, there are at least as many exceptions as there are those who fit.

<sup>15</sup> Jason Stanley, *How Propaganda Works* (Princeton, NJ: Princeton University Press, in press), MS p. 3.

<sup>16</sup> See *A Time for Peace: Canvassing the Views of Rwanda’s People in the Search for Lasting Peace*, draft report, Institute of Research and Dialogue for Peace (IRDP) and Interpeace (Kigali: IRDP and Interpeace, 2008).

<sup>17</sup> Donatella Lorch, April 15, 1994. “U.N. in Rwanda Says It Is Powerless to Halt the Violence,” *New York Times*, April 15, 1994.

<sup>18</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda*, animation sessions (New York: Human Rights Watch, 1999). See also Alison Des Forges, “The Ideology of Genocide,” *ISSUE: A Journal of Opinion* 23, no. 2 (1995):44–47; Catherine Newbury, “Ethnicity and Politics in the History of Rwanda,” *Africa Today* 45, no. 1 (January–March 1998): 7–24.

<sup>19</sup> Jean Hatzfeld, *Machete Season: The Killers in Rwanda Speak* (New York: Macmillan, 2005). See also, Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2013).

<sup>20</sup> MacKinnon, *Only Words*, 31.

<sup>21</sup> David Lewis, “Scorekeeping in a Language Game,” *Journal of Philosophical Logic* 8, no. 1 (1979): 339–59; Mary Kate McGowen, “Conversational Exercitives and the Force of Pornography,” *Philosophy & Public Affairs* 31, no. 2 (2003): 155–89.

<sup>22</sup> See also International Criminal Tribunal for Rwanda, Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze v. The Prosecutor, Appeals case no. ICTR 99-52-T, December 3, 2003, <http://www.unict.org/sites/unict.org/files/case-documents/ictr-99-52/trial-judgements/en/031203.pdf>. See also Catharine A. MacKinnon, “Prosecutor v. Nahimana, Barayagwiza, & Ngeze. Case No. ICTR 99-52-T,” *American Journal of International Law* (2004): 325–30.

<sup>23</sup> For the ICTR Media Trial, see International Criminal Tribunal for Rwanda, The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Case no. ICTR-99-52-T, par. 1072. Full case available online at <http://www.unict.org/sites/unict.org/files/case-documents/ictr-99-52/trial-judgements/en/031203.pdf>.

<sup>24</sup> *Ibid.*, par. 1073, emphasis added.

<sup>25</sup> Jean-Paul Sartre, *Anti-Semite and Jew*, trans. George Becker (New York: Schocken Books, 1995), 13.

<sup>26</sup> Jacob Canfield, “In the Wake of Charlie Hebdo Free Speech Does Not Mean Freedom from Criticism,” *Hooded Utilitarian*, January 7, 2015. See also Remy M. Maizel, “Je ne suis pas exactement Charlie,” *Politico*, January 9, 2015, <http://www.politico.com/magazine/story/2015/01/charlie-hebdo-je-ne-suis-pas-exactement-charlie-114119.html#ixzz3RRImXvd7>. See also Arthur Chu, “Trolls and Martyrdom: Je ne suis pas Charlie,” *Daily Beast*, January 9, 2015, <http://www.thedailybeast.com/articles/2015/01/09/trolls-and-martyrdom-je-ne-suis-pas-charlie.html>.

<sup>27</sup> Serene Khader, “Why You Won’t See Me Posting ‘Je suis Charlie,’” *Second Shift*, January 8, 2015, <http://www.secondshiftblog.com/2015/01/wont-see-posting-je-suis-charlie/>.

<sup>28</sup> Tariq Ali, “It Didn’t Need to Be Done,” *London Review of Books* 37, no. 3 (February 2015): 12.

<sup>29</sup> David Brooks, “I Am Not Charlie Hebdo,” op-ed., *New York Times*, January 8, 2015, [http://www.nytimes.com/2015/01/09/opinion/david-brooks-i-am-not-charlie-hebdo.html?\\_r=0](http://www.nytimes.com/2015/01/09/opinion/david-brooks-i-am-not-charlie-hebdo.html?_r=0).

<sup>30</sup> United Nations General Assembly, *Universal Declaration of Human Rights*, December 10, 1948, art. 19, <http://www.un.org/en/documents/udhr/>.

<sup>31</sup> For arguments defending hate speech codes, see Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberlé Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First*

*Amendment* (Boulder, CO: Westview Press, 1993). The MacKinnon-Dworkin Model Anti-Pornography Ordinance was passed in Minneapolis and Indianapolis but in neither state took effect.

<sup>32</sup> Thomas Scanlon, "A Theory of Freedom of Expression," *Philosophy & Public Affairs* (1972): 204–26.

<sup>33</sup> John Stuart Mill, *On Liberty*, chap. 1, p. 7.

<sup>34</sup> M. C. Lugones and E. V. Spelman, "Have We Got a Theory for You! Feminist Theory, Cultural Imperialism, and the Demand for 'the Woman's Voice,'" *Women's Studies International Forum* 6, no. 6 (December 1983): 573.

<sup>35</sup> Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 2009), 31

<sup>36</sup> Jean Hatzfeld, *Life Laid Bare: The Survivors in Rwanda Speak*, trans. Linda Coverdale (New York: Other Press, 2006), 226.

<sup>37</sup> Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations after Wrongdoing* (New York: Cambridge University Press, 2006).

<sup>38</sup> Hatzfeld, *Machete Season*, 24, emphasis added.

<sup>39</sup> David Livingstone Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others* (New York: Macmillan, 2011); Tirrell, "Genocidal Language Games."

<sup>40</sup> Jane Corbin, *Rwanda's Untold Story* (RDI-Rwanda Rwiza), 59:20, televised by BBC on *This World*, October 1, 2014, <http://vimeo.com/107867605>. For a response from a host of scholars, NGO leaders, and others who were on the scene and studied Rwanda for years, see "Rwanda's Untold Story: Letter to the Director General of the BBC October 12, 2014," *Linda Melvern* (blog), <http://www.lindamelvern.com/index.php/2-uncategorised/166-rwandas-untold-story>.

<sup>41</sup> See Anne-Marie de Brouwer and Sandra Ka Hon Chu, eds., *The Men Who Killed Me*, with photographs by Samer Muscati (Vancouver: Douglas & McIntyre, 2009).

<sup>42</sup> Of particular note are the first four clauses: "1. In the wake of the genocide against the Tutsi that was organised and supervised by unworthy leaders and other perpetrators and that decimated more than a million sons and daughters of Rwanda; 2. Resolved to fight the ideology of genocide and all its manifestations and to eradicate ethnic, regional and any other form of divisions; 3. Determined to fight dictatorship by putting in place democratic institutions and leaders freely elected by ourselves; 4. Emphasizing the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the genocide against the Tutsi and its consequences." The Constitution of the Republic of Rwanda is available from the Rwandan government, posted April 6, 2003, at [http://www.parliament.gov.rw/fileadmin/Images2013/Rwandan\\_Constitution.pdf](http://www.parliament.gov.rw/fileadmin/Images2013/Rwandan_Constitution.pdf).

<sup>43</sup> The text of Law No. 84/2013 is available at *Official Gazette*, no. 43, October 10, 2013, 32,

[http://www.moh.gov.rw/fileadmin/templates/HLaws/RFMA\\_Law\\_Published.pdf](http://www.moh.gov.rw/fileadmin/templates/HLaws/RFMA_Law_Published.pdf).

<sup>44</sup> Example from Des Forges, "History."

<sup>45</sup> The rationale fits Grice's model of conversational implicature. H. P. Grice, "Logic and Conversation," in *Syntax and Semantics*, ed. Peter Cole and Jerry L. Morgan, vol. 3, *Speech Acts* (San Diego, CA: Academic Press, 1975).

<sup>46</sup> See for example, Marijke Verpoorten, 2014. "Why [the] Claim That 200,000 Tutsi Died Is Wrong," *African Arguments*, October 27, 2014, <http://africanarguments.org/2014/10/27/rwanda-why-davenport-and-stams-calculation-that-200000-tutsi-died-in-the-genocide-is-wrong-by-marijke-verpoorten/>.

<sup>47</sup> IBUKA, "Genocide Survivor Organisations in Rwanda Outraged by BBC This World Genocide Denial Film," including a letter to the BBC Broadcasting House, accessed May 18, 2015, <http://www.kwibuka.rw/bbc-genocide-denial-film>.

<sup>48</sup> "Rwanda's Untold Story."

<sup>49</sup> Timothy P. Longman, "After Genocide, Stifled Dissent," op-ed., *New York Times*, June 29, 2012,

[http://www.nytimes.com/2012/06/30/opinion/stifled-dissent-in-rwanda.html?\\_r=0](http://www.nytimes.com/2012/06/30/opinion/stifled-dissent-in-rwanda.html?_r=0).

<sup>50</sup> Amnesty International, *Rwanda: Justice In Jeopardy: The First Instance Trial of Victoire Ingabire*, 2013, 6,

<sup>51</sup> We need to be careful about empirical counterfactual claims; they are impossible to prove. If the government's power is as strong as critics suggest, allowing the FDU party onto the ballot might not have changed the outcome at all. In my recent research in Rwanda, I found considerable fear about social stability once Paul Kagame ceases to be president, rather than any desire to oust him.

<sup>52</sup> Media High Council (MHC), *Journalistic Handbook for Writing and Speaking about the Genocide* (Kigali: MHC, 2011). The MHC is referring to Linda Kirschke, *Broadcasting Genocide: Censorship, Propaganda, and State Sponsored Violence in Rwanda, 1990–1994* (London: Article 19, 1996), 67.

<sup>53</sup> MHC, *Journalistic Handbook*, 41.

<sup>54</sup> Kirschke, *Broadcasting Genocide*, 62.

<sup>55</sup> All quotations are from the full text of the speech, "Unity and Reconciliation Speech at Gisozi Genocide Memorial Centre," found on Victoire Ingabire's website, accessed January 6, 2015, <http://www.victoires-ingabire.com/Eng/victoires-quotes/>.

<sup>56</sup> Another point worth noting is Ingabire's sweeping away the reconciliation efforts that had been happening across the nation with one swift sentence. One might want to say her emphasis on "political policy" for reconciliation makes room for work done by churches and NGOs and private individuals. But there has been significant work done by many government agencies to support reconciliation efforts, so this claim is false. It is unfortunate that her comment catches so much important work in its net. Perhaps it should be taken to address the lack of explicitly Hutu political parties. It will be a sign of great progress when political parties in Rwanda have no ethnic allegiance at all.

<sup>57</sup> Thomas Kamilindi, "Journalism in a Time of Hate Media," in *The Media and the Rwandan Genocide*, ed. Allan Thompson (London: Pluto Press, 2007), 141.

<sup>58</sup> MHC, *Handbook*, p. 25

<sup>59</sup> *Ibid.*, 2.

<sup>60</sup> *Ibid.*, 31.

<sup>61</sup> Patrick Bigabo, "KT Press Reports on Umuganda, Rwanda's Saturday Community Service That Everyone's Involved In," 24-7 PressRelease, November 29, 2014, <http://www.24-7pressrelease.com/press-release/kt-press-reports-on-umuganda-rwandas-saturday-community-service-that-everyones-involved-in-397865.php>.

<sup>62</sup> Private conversation with author, Kigali, July 2012.

<sup>63</sup> "Hate Speech against Political Opponents Has Potential to Incite violence," Zimbabwe Peace Project, October 29, 2014, [http://www.zimpeaceproject.com/index.php?option=com\\_content&view=article&id=56:hate-speech-against-political-opponents-has-potential-to-incite-violence&catid=11:statements&Itemid=161](http://www.zimpeaceproject.com/index.php?option=com_content&view=article&id=56:hate-speech-against-political-opponents-has-potential-to-incite-violence&catid=11:statements&Itemid=161).

<sup>64</sup> "Hate-Speech: A Five-Point Test for Journalists—Turning the Page of Hate in Media Campaign for Tolerance in African Journalism," Ethical Journalism Network, May 2014. <http://ethicaljournalismnetwork.org/en/contents/hate-speech-a-five-point-test-for-journalists>.

<sup>65</sup> Peter R. Teachout, "Making 'Holocaust Denial' a Crime: Reflections on European Anti-Negationist Laws from the Perspective of U.S. Constitutional Experience," *Vermont Law Review* 30 (Spring, 2006): 655.

<sup>66</sup> Susan E. Rice, "Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at the Kigali Institute of Science and Technology on 'Building a New Nation: Rwanda's Progress and Potential,'" Kigali, Rwanda, United States Mission to the United Nations, November 23, 2011, <http://usun.state.gov/briefing/statements/2011/177743.htm>.

<sup>67</sup> More recently, David Mepham posted "Lifting the Lid on Rwandan Repression" on the Human Rights Watch website, October 21, 2014, <http://www.hrw.org/news/2014/10/21/dispatches-lifting-lid-rwandan-repression>.